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**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**THERAPEUTIC AND DIAGNOSTIC METHODS DEPENDENT  
ON CYP2A ENZYMES**

the specification of which:  is attached hereto.

was filed on: June 1, 2000  
as Application No.: 09/584,669  
and was amended on \_\_\_\_\_

(if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

**Prior Foreign Application(s)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Prior Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/067,020	December 1, 1997
60/067,021	December 1, 1997
60/084,847	May 8, 1998
60/107,392	November 6, 1998

**Prior United States Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status – Patented, Pending, Abandoned
PCT/CA98/01093	December 1, 1998	pending

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

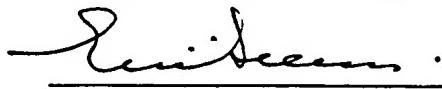
Roger L. Tate, Registration No. 27,399; Scott F. Partridge, Registration No. 28,142; Jerry W. Mills, Registration No. 23,005; Robert Neuner, Registration No. 24,316; James Remenick, Registration No. 36,902; James B. Arpin, Registration No. 33,470; Laurence H. Posorske, Registration No. 34,698; Floyd B. Chapman, Registration No. 40,555; Robert A. King, Registration No. 42,738; Trevor Q. Coddington, Registration No. P46,633; Robert L. Troike, Registration No. 24,183; Jay M. Cantor, Registration No. 19,906; Lori D. Stiffler, Registration No. 36,939; and Jay B. Johnson, Registration No. 38,193.

---

All correspondence and telephone communications should be addressed to: **Baker Botts L.L.P., The Warner, 1299 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2400**, telephone number (202) 639-7700, facsimile number (202) 639-7890, which is also the address, telephone and facsimile numbers of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature



Date Aug 30, 2000

Full Name of First Inventor:

SELLERS

Edward

Moacrieff

(Family Name)

(First Given Name)

(Second Given Name)

Citizenship:

Canada

Residence:

78 Baby Point Crescent, Toronto, Ontario M6S 1B2, Canada

Post Office Address:

(same as above)

BAKER BOTTS L.L.P.  
The Warner  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
(202) 639-7700 (telephone); (202) 639-7890 (facsimile)

Signature

R. Tyndale

Date

Sept 1, 2000

F.

Full Name of

Second Inventor:

TYNDALE

Rachel

(First Given Name)

(Second Given Name)

Citizenship:

Canada

Residence:

28 Brunswick Avenue #5, Toronto, Ontario M5S 2L7, Canada

Post Office

Address:

(Same as above)

BAKER BOTTS L.L.P.

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UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

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MAY 03, 2001

PTAS

BROBECK, PHLEGER & HARRISON LLP  
LAURENCE H. POSORSKE  
1333 H. STREET, N.W., SUITE 800  
INTELLECTUAL PROPERTY DEPARTMENT  
WASHINGTON, DC 20005

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\*101621753A\*

MAY 09 2001

**BROBECK**

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/29/2001

REEL/FRAME: 011529/0823  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
SELLERS, EDWARD M.

DOC DATE: 09/05/2000

ASSIGNOR:  
TYNDALE, RACHEL F.

DOC DATE: 09/05/2000

ASSIGNEE:  
NICOGEN, INC.  
4500 THIMERS BOULEVARD, 2ND FLOOR  
ST. LURENT, QUEBEC H4R 2P2, CANADA

SERIAL NUMBER: 09584669  
PATENT NUMBER:

FILING DATE: 06/01/2000  
ISSUE DATE:

SHARON BROOKS, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

**DOCKETED**

RE

02-27-2001

ET

To the Honorable Commissioner for Patents:

## 1. Name of Conveying Party(ies):

Edward M. SELLERS

Rachel F. TYNDALE

101621753

JAN 29 2001  
U.S. TRADES & PATENTS OFFICE  
REGISTRATION

ent(s) or copy(ies) thereof.

1.29.01

Additional name(s) of conveying party(ies) attached?

 Yes No

## 2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: Nicogen, Inc.

Name:

Address: 4500 Thimers Boulevard, 2nd Floor  
St Laurent, Quebec H4R 2P2

Address:

Country: CANADA

Country:

Additional name(s) and address(es) attached?

 Yes No

## 3. Nature of Conveyance:

 Assignment  
 Verified Translation Merger  
 Security Agreement Change of Name  
 Other: \_\_\_\_\_

Execution Date: September 5, 2000

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: \_\_\_\_\_

A. Patent Application No(s).:

09/584,669

B. Patent No(s).:

Others on additional sheet(s) attached?

 Yes No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Laurence H. Posorske  
 Intellectual Property Department  
 Brobeck, Phleger & Harrison LLP  
 1333 H Street, N.W.  
 Suite 800  
 Washington, DC 20005  
 (202) 220-6000 (telephone)  
 (202) 220-5200 (facsimile)

## 6. Total number of applications and patents involved:

Application(s): 1  
 + Patent(s): \_\_\_\_\_  
 = Total: 1

## 7. Total Fee (37 C.F.R. § 3.41) .... \$ 40.00

Enclosed  
 Authorized to be charged to Deposit Account

8. Deposit Account No.: 50-1640  
 (Duplicate copy of this sheet attached)

Charge any underpayment or credit any overpayment to above Deposit Account

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## 9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Laurence H. Posorske  
 Name of Person Signing

Signature

January 29, 2001

Date

Total number of pages including cover sheet, attachments, and document:

02/27/2001 GTOM11 00000038 501640 09584669  
 01 FC:581 40.00 CH

3

## ASSIGNMENT

WHEREAS, WE, Edward M. SELLERS, residing at 78 Baby Point Crescent, Toronto, Ontario M6S 1B2, Canada; and Rachel F. TYNDALE, residing at 28 Brunswick Avenue #5, Toronto, Ontario M5S 2L7, Canada, have invented certain new and useful improvements in and to the subject matter of:

### **THERAPEUTIC AND DIAGNOSTIC METHODS DEPENDENT ON CYP2A ENZYMES**

described in an application for United States Letters Patent filed on June 1, 2000, and accorded Application No. 09/584,669;

AND, WHEREAS, Nicogen, Inc., a Canadian entity, having a place of business located at 4500 Thimers Boulevard, Second Floor, St. Laurent, Quebec H4R 2P2, Canada (hereinafter "ASSIGNEE"), is desirous of acquiring certain rights to the improvements and under the application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration, receipt of which is hereby acknowledged, we do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, our entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said improvements, said United States application, any other United States applications, including provisional, divisional, renewal, substitute, continuation, reexamination and reissue applications, based in whole or in part on said United States application or in whole or in part on said improvements, any foreign applications, including international and regional applications, based in whole or in part on any of the aforesaid United States applications or in whole or in part on said improvements, and in and to any and all letters patent, including extensions thereof, of any country which have been or may be granted on any of the aforesaid applications or on said improvements or any parts thereof;

AND WE hereby agree for ourselves and our heirs, executors and administrators to execute without further consideration any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-referenced application or in the preparation or prosecution of any continuing, substitute, divisional, renewal, reexamination or reissue application or in any amendments, extensions or interference proceedings, or other applications for patents of any region or country, that may be necessary to secure to ASSIGNEE its interest and title in and to said improvements or any parts thereof, and in and to said several patents or any of them;

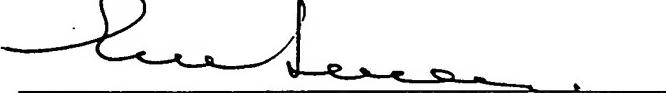
AND WE hereby covenant for ourselves and our legal representatives, and agree with said ASSIGNEE, its successors and assigns, that we have granted no right or license to make, use, sell or offer to sell said improvements, to anyone except said ASSIGNEE, that prior to the execution of this deed, our right, title and interest in said improvements had not been otherwise encumbered, and that we have not and will not execute any instrument in conflict therewith;

AND WE do hereby authorize and request the United States Commissioner for Patents to issue any and all letters patent which may be granted upon said United States applications, or upon said improvements or any parts thereof when granted, to said ASSIGNEE.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

September 5 2000

Date



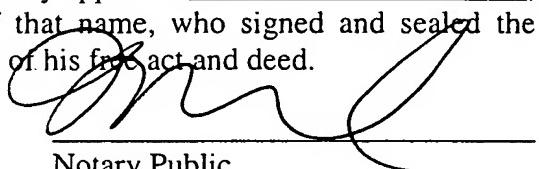
Edward M. SELLERS

County of YORK)  
Province Ontario)  
State of Ontario) ss:

On this 5 day of September, 2000, before me a Notary Public in and for the County and State aforesaid, personally appeared Edward M. Sellers, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

MARTIN K.I. RUMACK  
BARRISTER & SOLICITOR  
SUITE 202  
2 ST. CLAIR AVENUE EAST  
TORONTO, ONTARIO  
M4T 2T5

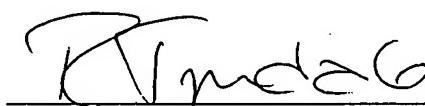
(SEAL)

  
Notary Public

My Commission Expires \_\_\_\_\_

September 5 2000

Date

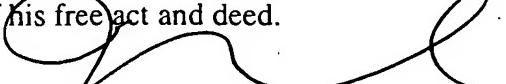
  
Rachel F. TYNDALE

County of YORK)  
Province Ontario)  
State of Ontario) ss:

On this 5 day of September, 2000, before me a Notary Public in and for the County and State aforesaid, personally appeared Rachel F. TYNDALE, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

MARTIN K.I. RUMACK  
BARRISTER & SOLICITOR  
SUITE 202  
2 ST. CLAIR AVENUE EAST  
TORONTO, ONTARIO  
M4T 2T5

(SEAL)

  
Notary Public

My Commission Expires \_\_\_\_\_